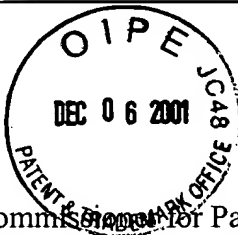


ARNOLD & PORTER

202.942.5000
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206



December 6, 2001

Commissioner for Patents
Washington, D.C. 20231

RECEIVED
DEC 10 2001
TECH CENTER 1600/12900

Re: U.S. Patent Application No.: 09/619,643
Filed: July 19, 2000
Title: *Nucleic Acid Molecules and Other Molecules
Associated with Plants*
Applicant: Fisher, et al.
Attorney Docket No.: 38-21(51230)B

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences;
2. check No. 145978 in the amount of \$320.00 for Notice of Appeal fee; and
3. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return the postcard to our courier.

Applicant does not believe that any fees other than that required for the Notice of Appeal (\$320.00) are due in conjunction with this filing. However, should any additional fees be required in conjunction with this filing, the Patent and Trademark Office is authorized to charge any additional fees or credit any overpayment to Arnold and Porter deposit account 50-1824 referencing matter number 16517.001/38-21(51230)B.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)
William Sekyi (Reg. No. 45,831)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: FISHER, et al.

Appln. No.: 09/619,643

Filed: July 19, 2000

For: Nucleic Acid Molecules and Other
Molecules Associated with Plants

Art Unit: 1655

Examiner: Goldberg, J.

Atty. Docket: 38-21(51230)B

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**Commissioner for Patents
Washington, DC 20231

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated September 6, 2001, that resulted in Applicants having claims that have been twice or finally rejected.

The Applicants submit herewith a check to cover the fee of \$320.00 for filing a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. § 1.17(b)). A duplicate copy of this Notice is attached. In the event that extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1824 referencing docket number 16517.001/38-21(51230)B. A duplicate copy of this Notice is attached.

Respectfully submitted,

Lawrence M. Lavin, Jr.

Lawrence M. Lavin, Jr. (Reg. No. 30,768)

Thomas E. Kelley (Reg. No. 29,938) *by*Date: December 6, 2001

Of Counsel

David R. Marsh

(Reg. No. 41,408)

William E. Sekyi

(Reg. No. 45,831)

Arnold & Porter

555 12th Street, N.W.

Washington, D.C. 20004-1206

Monsanto Company
800 N. Lindbergh Blvd.
St. Louis, Missouri 63167*Ed R. Marshall*